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Assistant Commissioner for Patents
Washington, D.C. 20231

On 5/22/02

TOWNSEND and TOWNSEND and CREW LLP

By: Mike Marshall

PATENT
Attorney Docket No.: 018781-006810US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

POWERS et al.

Application No.: 10/041,030

Filed: December 28, 2001

For: DIAGNOSIS AND TREATMENT
OF CANCER USING MAMMALIAN
PELLINO POLYPEPTIDES AND
POLYNUCLEOTIDES

Examiner: Not yet assigned

Art Unit: Not yet assigned

REQUEST TO WITHDRAW NOTICE
INCOMPLETE REPLY

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TC 3730 MAIL ROOM

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

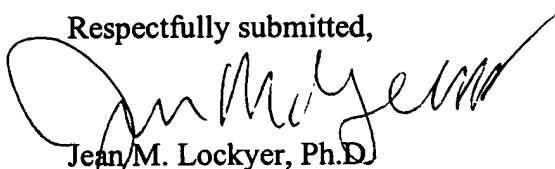
Applicants are in receipt of a Notice of Incomplete Reply mailed May 8, 2002, that alleges that the oath or declaration submitted in Applicant's response to the Notice of Missing Parts in the above-referenced matter was incomplete because the oath or declaration was unsigned. However, the Declaration submitted with Applicant's response, which was mailed on April 10, 2002 and received at the USPTO on April 16, 2002, was properly signed. Submitted herewith is a copy of Applicant's response as filed that shows that the Declaration was signed by all of the inventors. Please note that there are two pages to the Declaration. One of the inventors signed on the second page. Thus, Applicants Response to the Notice to File Missing Parts was complete. Applicants respectfully request withdrawal of the incorrectly issued Notice of Incomplete Reply.

POWERS et al.
Application No.: 10/041,030
Page 2

PATENT

If a telephone conference would expedite prosecution of this application,
please telephone the undersigned at 415-576-0200.

Respectfully submitted,


Jean M. Lockyer, Ph.D.
Reg. No. 44,879

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
JML
SF 1348505 v1

JUN 05 2002

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Total Number of Pages in This Submission

20

Attorney Docket Number

10/041,030

December 28, 2001

Powers, Scott

3736

Not yet assigned

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018781-006810US

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Request to Withdraw Notice of Incomplete Reply (2 pgs.); copy of Notice of Incomplete Reply; copy of Response to Notice to File Missing Parts (filed 4/10/02; 16 pgs.)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

JUN 17 2002
TC 3736 1600/2900

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP Jean M. Lockyer, Ph.D.	
Signature		
Date	May 22, 2002	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

May 22, 2002

Typed or printed name	Nikki Newell		
Signature			
	Date	May 22, 2002	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/041,030	12/28/2001	Scott Powers	018781-006810US

CONFIRMATION NO. 2471

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

FORMALITIES LETTER



OC000000008062852

Date Mailed: 05/08/2002

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NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 04/16/2002 to the Notice to File Missing Parts (Notice) mailed 02/13/2002 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- The oath or declaration is unsigned.

A copy of this notice MUST be returned with the reply.

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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TO THE U.S. PATENT AND TRADEMARK OFFICE -BOX MISSING PARTS



Mailing Date: 4/10/02

File No.: 018781-006810US

Attorney: JML:md

Inventors: POWERS, et al.

Title: DIAGNOSIS AND TREATMENT OF CANCER USING MAMMALIAN
PELLINO POLYPEPTIDES AND POLYNUCLEOTIDES

TRANSMITTED HEREWITH

Copy of Notice to File Missing Parts

Declaration (37 CFR 1.63) and ADS (4 pgs.)

Power of Attorney (1 pg.) and Statement Under 37 CFR 3.73(b) (1 pg.) with
copy of Assignment (3 pgs.)

Transmittal Form Fee Transmittal (in duplicate)

Please stamp the date of receipt of the enclosed documents and return this card to addressee.

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Total Number of Pages in This Submission

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Application Number

10/041,030

Filing Date

December 28, 2001

First Named Inventor

Powers, Scott

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Group Art Unit

3736

Examiner Name

Not yet assigned

TECH CENTER
1600/2900

Attorney Docket Number

018781-006810US

ENCLOSURES (check all that apply)

 Fee Transmittal Form Assignment Papers
(for an Application) Fee Attached Drawing(s) Amendment / Response Licensing-related Papers After Final Petition Routing Slip (PTO/SB/69)
and Accompanying Petition Affidavits/declaration(s) Petition to Convert to a
Provisional Application Extension of Time Request Power of Attorney, Revocation
Change of Correspondence Address
w/ Statement under 37 CFR 3.73(b)
w/copy of Assignment Express Abandonment Request Terminal Disclaimer Information Disclosure Statement Request for Refund Certified Copy of Priority
Document(s) CD, Number of CD(s) One Response to Missing Parts/
Incomplete ApplicationRemarks
The Commissioner is authorized to charge any additional fees to
Deposit Account 20-1430. Response to Missing
Parts under 37 CFR
1.52 or 1.53Communication Under 37 CFR §§1.821-1.825 and Preliminary Amendment and
Sequence Listing Diskette mailed concurrently to Box Sequence, P.O. Box 2327,
Arlington, VA 22202

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
and
Individual name

Townsend and Townsend and Crew LLP

Jean M. Lockyer, Ph.D.

Reg. No. 44,879

Signature

4/10/02

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

4/10/02

Typed or printed name

Nikki Newell

Signature

Nikki Newell

Date

4/10/02

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OPPEL
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Fee Transmittal for FY 2001
Patch fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT		(\$)	130
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Complete If Known

Application Number	10/041,030
Filing Date	December 28, 2001
First Named Inventor	Powers, Scott
Examiner Name	Not yet assigned
Group Art Unit	3736
Attorney Docket No.	018781-006840US

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METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number	20-1430
Deposit Account Name	Townsend and Townsend and Crew LLP

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
 Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:
 Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid		
Fee Code	Fee Code	Fee (\$)	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	-20**	=	Extra Claims	X	Fee from below	=	Fee Paid
Independent Claims							
Multiple Dependent				X			

-20** = (\$) X (\$) = (\$)

-3** = (\$) X (\$) = (\$)

 X (\$) = (\$)

Large Entity	Small Entity	Fee Description			
Fee Code	Fee Code	Fee (\$)			
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$130)

**or number previously paid, if greater; For Reissues, see above

Complete (if applicable)

SUBMITTED BY			
Name (Print/Type)	Jean M. Lockyer, Ph.D.	Registration No. (Attorney/Agent)	44,879
Signature			
	Telephone	415-576-0200	
	Date	4/10/02	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/041,030	12/28/2001	Scott Powers	018781-006810US

AUG 26 2002

20350
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CONFIRMATION NO. 2471
FORMALITIES LETTER

OC000000007467259

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Date Mailed: 02/13/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

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An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at

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patin21help@uspto.gov or patin3help@uspto.gov

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Initial Patent Examination Division (703) 308-1202

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